

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO
01-CV-12257-PBS AND 01-CV-339

**DECLARATION OF RONALD G. DOVE, JR.
CONCERNING REDACTIONS TO THE TRACK 1 DEFENDANTS'
MEMORANDUM IN OPPOSITION TO CLASS CERTIFICATION**

I, Ronald G. Dove, Jr., declare as follows:

1. I am of counsel at Covington & Burling, attorneys for Defendant SmithKline Beecham Corporation d/b/a GlaxoSmithKline in the above-captioned case. I am admitted to this court *pro hac vice*.

2. I submit this declaration in connection with certain redactions made to the publicly-filed version of the Track 1 Defendants' Memorandum in Opposition to Class Certification.

3. Pursuant to the Protective Order entered by this Court on December 13, 2002 (the "Protective Order") and in accordance with agreements reached with counsel, various non-party witnesses have designated certain documents, testimony, and other information produced in this litigation as either "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL". The Track 1 Defendants' Memorandum in Opposition to Class Certification incorporates – directly or indirectly – information that has been designated "CONFIDENTIAL" or "HIGHLY

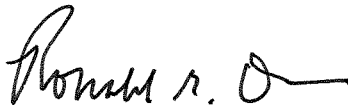
CONFIDENTIAL”. Pursuant to paragraph 15 of the Protective Order, any document or pleading containing quotes from or otherwise referencing such information shall be filed under seal.

4. On October 25, 2004, the Track 1 Defendants moved this Court for leave to file their Memorandum in Opposition to Class Certification under seal. On October 26, 2004, this Court issued an electronic order denying the Track 1 Defendants’ motion, but stating that trade secrets “may be redacted with an affidavit to establish good cause.”

5. Pursuant to this Court’s October 26, 2004, electronic order, information that has been designated (or that defendants believe was intended to be designated) “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” by non-party witnesses has been redacted from the Memorandum in Opposition to Class Certification, and this redacted version is being publicly filed simultaneously with this Declaration. The redactions, which are indicated by the legend “CONFIDENTIAL INFORMATION REDACTED”, contain information that the non-party witnesses have indicated is highly proprietary in nature. Based on the representations of these non-parties, we have redacted the designated information in good faith and for good cause shown.

6. The redactions made to the Memorandum in Opposition all involve confidential information and testimony provided by non-parties. Defendants, after consulting with plaintiffs’ counsel, have not redacted any information or testimony provided by the parties themselves.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Executed in Washington, D.C. this 3rd day of November, 2004.



Ronald G. Dove, Jr.